

FOR IMMEDIATE RELEASE
January 23, 2007

EXHIBIT J
DATE 1/24/07
HB 287

Contacts: Rep. Brady Wiseman 406-581-1148 repwiseman@yahoo.com
Rep. Jim Guest (Missouri) 660-483-0901

"REAL ID" - LEGISLATORS PICK FIGHT WITH FEDS

Rep. Brady Wiseman, D-Bozeman, has introduced a bill requiring the Montana government to refuse compliance with the federal Real ID Act. "The Real ID Act will invade our privacy, cause terrible red tape to get a driver's license, cost us millions, and in the end, won't protect us from terrorism. It's time to just say no," Wiseman said.

The Real ID Act, passed by Congress in 2005, requires states to participate in a national ID scheme. The Act requires Montana to spend an estimated \$2.7 million, increase the bureaucracy in driver's license offices to verify citizenship, and share all of the state's data with a national database.

"This unfunded mandate flies in the face of court decisions concerning the 10th Amendment to the Constitution," Wiseman said, referring to Constitutional provision that says: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The Real ID Act requires citizens to have a nationally compliant identification card in order to take a commercial flight, open a bank account, or enter government buildings. Many security and privacy experts doubt the ability of the law to deter terrorism or crime. "The Real ID act may in fact increase our risk of ID theft", said Wiseman. "Our citizens deserve more security, not less", said Wiseman.

"Montanans deserve a real debate on whether we want a national ID card", Wiseman said. "Montana has one of the nation's most stringent privacy clauses in our state Constitution," said Wiseman. "Do we really want the federal government tracking our movements and our finances?"

"We don't need Real ID, we don't want it, and we can't afford it", Wiseman said.

National estimates the cost of Real ID at be more than \$11 billion over five years, according to statistics provided by the American Association of Motor Vehicles, the National Governors' Association, and the National Conference of State Legislatures.

Most state legislatures are grappling with the issue this winter in order to be compliant by 2008. Since Real ID is not fully funded, every state must appropriate state money to rebuild computer systems, set up document processing programs, and train workers.

Legislators in a number of states, including Minnesota, California, New Hampshire and Missouri, are considering legislation like Wiseman's.

Representative Jim Guest of Missouri, a Republican, shares Wiseman's concerns. Guest has introduced a bill in Missouri forbidding any agency in the Missouri government to comply with Real ID. He is compiling an extensive list of such legislation in other states. "We're working with 28 states on getting similar legislation introduced," Guest said.

Wiseman's House Bill 287 has a hearing in the House Judiciary Committee Wednesday morning, January 24th, at 8:00 a.m. Those interested in the bill or in contacting their legislators can call the legislative operator at 406-444-4800 for further information.

-end-

IN THIS SECTION

[About The Issue](#)[Real Short: 7 problems with Real ID](#)[Real Answers \(FAQ\)](#)[Real Stories](#)[Real Burdens](#)[FAQ on Discrimination Issues with Real ID](#)[DMVs say Real ID will be real nightmare](#)[White Paper on DMV survey](#)[Text of Law](#)[NCSL Summary of Act](#)[In Espanol: Cual es el Problema con REAL ID](#)[Real Costs](#)[Real Example: The Alabama Mess](#)

About The Issue > Real Short: 7 problems with Real ID

What's Wrong With Real ID

It's a national identity system. The standardized national driver's licenses created by Real ID would become a key part of a system of identity papers, databases, status and identity checks and access control points – an “internal passport” that will increasingly be used to track and control individuals' movements and activities.

Will not be effective against terrorism. The fact is, identity-based security is not an effective way to stop terrorism. ID documents do not reveal anything about evil intent – and even if they did, determined terrorists will always be able to obtain fraudulent documents (either counterfeit or real documents bought from corrupt officials).

Will be a nightmare for state governments. Real ID requires state governments to remake their driver's licenses, restructure many of their computer databases and other systems, create an extensive new document-storage system, and – perhaps most difficult of all – verify the “issuance, validity and completeness” of every document presented at DMVs. See [Real Burdens](#).

Will mean higher fees, long lines, and bureaucratic nightmares for individuals. Because Congress ordered but did not pay for these mandates, which will cost states billions of dollars, fees on individuals applying for driver's licenses will inevitably rise, perhaps steeply. Individuals are also likely to confront slower service, longer lines, and frequent bureaucratic snafus in obtaining these ID cards. Many unlucky individuals will find themselves caught in a bureaucratic nightmare as they run up against the complexities of this law.

Increased security and ID-theft risks. The creation of a single interlinked database as well as the requirement that each DMV store copies of every birth certificate and other documents presented to it will create a one-stop shop for identity thieves.

Will be exploited by the private sector to invade privacy. Real ID would make it easy for anybody in private industry to snap up the data on these IDs. Already, bars often swipe licenses to collect personal data on customers – but that will prove to be just the tip of the iceberg as every convenience store learns to grab that data and sell it to data companies for a dime.

Will expand over time. The Real ID database will inevitably, over time, become the repository for more and more data on individuals, and will be drawn on for an ever-wider set of purposes. Its standardized machine-readable interface will drive its integration into an ever-growing network of identity checks and access control points – each of which will create new data trails that will in turn be linked to that central database or its private-sector shadow equivalent.

For more information on these problems, see the [Real Answers FAQ](#).

IN THIS SECTION

About The Issue
 Real Short: 7 problems with Real ID
 Real Answers (FAQ)
 Real Stories
 Real Burdens
 FAQ on Discrimination Issues with Real ID
 DMVs say Real ID will be real nightmare
 White Paper on DMV survey
 Text of Law
 NCSL Summary of Act
 In Espanol: Cual es el Problema con REAL ID
 Real Costs
Real Example: The Alabama Mess

About The Issue > Real Example: The Alabama Mess

The Alabama Mess: One State Tries To Begin Tackling Real ID

State administrators, governors, and others have been warning about the disruption and chaos that actual implementation of Real ID will likely bring. This is not mere speculation, however - one attempt to begin initiating early compliance with the law already created such enormous confusion and disruption that it had to be halted.

One of the Real ID Act's requirements is that names on compliant driver's licenses must exactly match individuals' names as held by the Social Security Administration. Noting this, officials in Alabama decided to get a head start on complying with that aspect of the law. The state's motor vehicles department (the Department of Public Safety or DPS), began sending letters to individuals whose records were mismatched, demanding that they correct the "erroneous" information on their driver's licenses.

The result was a fiasco. Thousands of panicked Alabama residents jammed DPS offices worried that they would lose their right to drive. And, because the state began its records review with the oldest records, many of the reported 65,000-80,000 drivers who got letters were senior citizens.

Many recipients of the letter - some of whom had been driving for 50 years or longer - became panicked that they would lose their means of traveling around the largely rural state. Many elderly drivers were also reportedly worried that their Social Security checks or pensions would be interrupted if they did not "fix" the problem right away. "Here are people who have been law-abiding citizens all their lives, and then they get this letter," state legislator Neal Morrison told the Associated Press. "It scared them to death."

Anyone whose name as recorded by the motor vehicles department differed by the slightest amount from the way their name was recorded by the Social Security Administration received a letter. Recipients were instructed that they had to visit a DPS office to "correct" their data before they would be allowed to renew their license. That included, for example, women who had changed their last name on one card but not the other after a marriage or divorce, people with nicknames, and even those with slight variations in their names, such as a middle initial appearing on one but not the other. In quintessential bureaucratic fashion, the letter informed individuals that the name as listed on their driver's license - though it might well be a person's preferred form of address - was "erroneous."

Many citizens were also angered by the delays and fees that they encountered when they tried to comply with the letter. One 70-year-old woman had to go to the motor vehicles office for three days straight, the AP reported, finally obtaining a new license on the third day after a two-and-a-half-hour wait. Then, she was asked to pay an \$18 fee - the state's standard payment for a new or duplicate license - and she "hit the ceiling." Another cost for many was the need to pay additional fees to obtain a new or replacement birth certificate.

Apologetic DPS officials halted the effort in the face of all these problems (including calls from state legislators who had heard from their constituents), and promised to try to lessen the problems by clarifying their explanations of the situation in future letters. Nevertheless, the fact remained that the cause of the disruption was not going to go away: the looming reality of the REAL ID Act. As the Alabama officials explained, "Public Safety regrets the inconvenience, aggregation and confusion this has caused licensed drivers, but we are mandated to do this by federal law."

Alabama's unfortunate experience trying to get a jump on implementing just one aspect of the sprawling Real ID legislation is merely a glimpse of what states and their residents can expect over the next few years if implementation of this legislation proceeds as scheduled. Bureaucratic hair-splitting, confusing instructions, long waits, overwhelmed offices, missed work, infuriating bureaucratic runarounds, and additional fees are what this legislation promises for Americans. All for - what?

SOURCES

M.J. Ellington, "Your life on your license: Alabama a step ahead in national ID debate," *The Decatur Daily News*, May 13, 2005; [Online >](#)

Mark Harrison, "License confusion possible," *[Fort Payne, Alabama] Times-Journal*, October 1, 2005; [Online >](#)

Alan Elsner, "Road to digital driver's licenses chaotic," Reuters, October 10, 2005; [Online >](#)

Associated Press and *Decatur Daily News* staff, "Alabama puts brakes on license notification," October 7, 2005; [Online >](#)

MONTANA

Jurisdiction Impact Analysis Real ID Act

REAL ID ACT REQUIREMENT	IMPACT	ASSUMPTIONS
Introduce Full Legal Name into Driver Licensing System (in Record, on Document)	\$40,000 Will require database changes to accommodate size	
Have following data elements/features on the document: <ol style="list-style-type: none"> 1. Full Legal Name 2. Person's Date of Birth 3. Person's Gender 4. Person's DL or ID Card Number 5. Digital Photograph of Person (and retention) 6. Person's Address of Principle Residence 7. Person's Signature 8. Physical Security Features to prevent tampering, counterfeiting or duplication 9. Common Machine Readable Technology: 	Items 2-9 will have no impact	
Introduce temporary DL/ID cards and tying end of stay to expiration of DL/ID card (or issuance for no more than 1 year)	Montana already has the capability to issue a card for 1 to 8 year cycles \$15,000 for system development	
Amending card design to show/indicate that it is a temporary document with a "different than usual" expiration date	\$40,000 This requirement will need a standard for all the jurisdictions to follow	
Verification at Source: Enabling your system to electronically verify		

REAL ID ACT REQUIREMENT	IMPACT	ASSUMPTIONS
documentation with: 1. SSOLV 2. SAVE 3. DEERS (DOD) 4. Other jurisdiction (DL/ID card) 5. Birth certificate 6. Other....i.e. third party vendors	1. SSOLV - \$15,000 2. SAVE - \$40,000 3. DEERS (DOD) \$40,000 4. Other jurisdiction (DL/ID) will include in the card cost 5. Birth Certificate - Will include in the card cost	
Developing access capability to SAVE system	\$40,000	
Introduce equipment into system to capture digital images of identity source documents so that images can be retained in electronic storage in a transferable format	\$1,300,000--initial cost plus maintenance and equipment replacement	
Retain paper copies of source documents for a minimum of 7 years or images of source documents presented for a minimum of 10 years	Included in \$1,300,000 cost.	
Subject each person applying for a driver's license or identification card to mandatory facial image capture	No Impact current process	
Establish an effective procedure to confirm or verify a renewing applicant's information	\$20,000 for development and staff training	
In the event that a social security account number is already registered to or associated with another person to which any state has issued a DL/ID card, the state shall resolve the discrepancy and take appropriate action	\$40,000 ---2 additional staff	
Check other states if a person already was issued a DL in another state	\$100,000-- 5 additional staff is process is done manually. If electronic \$500,000 Note** Need DRIVERS	
Ensure physical security of locations where DL/ID cards	No impact--current process	

REAL ID ACT REQUIREMENT	IMPACT	ASSUMPTIONS
are produced		
Subject all person's authorized to manufacture or produce DL/ID cards to appropriate security clearance requirements	\$200,000	
Establish fraudulent document recognition training programs for appropriate employees engaged in the issuance of DL/ID cards	\$40,000	
Limit period of validity of DL/ID cards that are not temporary to a period not exceeding 8 years		
Alternative document design if it does not meet federal standard	\$30,000	
Legal Presence Requirement		
Provide electronic access to all other states to information contained in the motor vehicle database of the state	\$500,000	
Maintain a state motor vehicle database that contains at a minimum: <ul style="list-style-type: none"> ▪ All data fields printed on DL/ID cards ▪ motor vehicle driver's histories, including motor vehicle violations, suspensions and points on licenses 	No Impact --current process	
Optional Development and issuance of a certificate of driving -- not for federal identification purposes -- for those who cannot prove lawful presence.	Unknown at this time	

What questions does your jurisdiction have as a result of the passing of the Real ID Act?

1. Will there be federal funding for the requirement of the Real ID Act?
2. How does the federal Government envision how jurisdictions will check to see if a driver is licensed in another state without a common infrastructure and license format?
3. Will there be a standard developed for temporary DL/ID formats?
4. Careful consideration to balancing customer service and requirements?

If your jurisdiction has done an impact analysis please provide us with a copy of the analysis.